

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

CESAR GOMEZ, #1839985

§

VS.

§

CIVIL ACTION NO. 6:18cv89

DIRECTOR, TDCJ-CID

§

ORDER OF DISMISSAL

Petitioner Cesar Gomez, an inmate confined at the Eastham Unit within the Texas Department of Criminal Justice (TDCJ) proceeding *pro se*, filed this petition for a writ of habeas corpus pursuant to § 2254 complaining of the legality of his Smith County criminal conviction. The case was referred to the United States Magistrate Judge, the Honorable Judge John D. Love, for findings of fact, conclusions of law, and recommendations for the disposition of the case.

On April 1, 2019, Judge Love issued a Report, (Dkt. #33), recommending that Petitioner's habeas petition be denied and further recommended that Petitioner be denied a certificate of appealability *sua sponte*. A copy of this Report was sent to Petitioner at his address. After receiving an extension of time in which to file his objections, Petitioner filed timely objections, (Dkt. #40).

The court has conducted a careful *de novo* review of record and the Magistrate Judge's proposed findings and recommendations. *See* 28 U.S.C. §636(b)(1) (District Judge shall "make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made."). Upon such *de novo* review, the court has determined that Report of the United States Magistrate Judge is correct and Petitioner's objections are without merit. Accordingly, it is

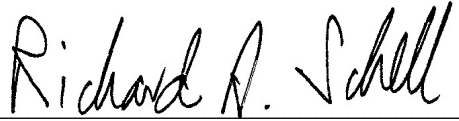
ORDERED that Petitioner's objections, (Dkt. #40), are overruled. The Report of the United States Magistrate Judge, (Dkt. #33), is **ADOPTED** as the opinion of the District Court. It is also

ORDERED that the above-styled habeas petition is **DENIED** and Petitioner's case is **DISMISSED** with prejudice. Further, it is

ORDERED that Petitioner is **DENIED** a certificate of appealability *sua sponte*. Finally, it is

ORDERED that any and all motions which may be pending in this civil action are hereby **DENIED**.

SIGNED this the 17th day of June, 2019.



RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE